IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12471 of 2005

Between:

B. Arogyam, S/o. Durgaiah @ David,
R/o. Flat No. 102, S.V. Residency Sharada Nagar, Ramathapur, Hyderabad.

..... PETITIONER

AND

1 The Panchayat Secretary, Bachupally Gram Panchayat,
Quthbullapur Mandal, R. R District
2 K. Kesava Kumar, S/o. K.V. Anjaneyulu,
R/o. U.S.A. Rep by its GPA Holder, K.V. Anjaneyulu,
S/o. K. Keshavulu, aged 68 years, R/o. H.No. 2-15/1, Bachupally Village,
Quthbullapur Mandal, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 1st respondent in not taking any steps to stop the illegal construction on the petitioner's land totally admeasuring Ac. 2.02 guntas, covered by Sy.NO. 500 and 501 (part) situated at Bachupally Village, Quthbullapur Mandal, R.R. District, by the 2nd respondent in pursuance of the Complaint dt. 01-06-2005 given by the petitioner as illegal, arbitrary and consequently direct the 1st respondent to initiate appropriate action to stop the illegal construction on the said land by 2nd respondent in the interest of justice

Counsel for the Petitioner:MR.C.KUMAR

Counsel for the Respondent No.: MR.C.RAMESH SAGAR

The Court at the admission stage made the following :

ORDER:-

In this writ petition, a civil dispute is involved between the petitioner and the second respondent with regard to the construction in an extent of Ac.2-02 guntas covered by S.Nos. 500 and 501 (part) at Bachupally village, Quthbullapur Mandal, R.R.District. According to the petitioner, the second respondent is making constructions on his land.

The relief as sought for cannot be granted in this writ petition filed under Article 226 of the Constitution of India. Petitioner can approach the appropriate Civil Court and seek appropriate relief against second respondent. Whether the petitioner or second respondent is the owner of the disputed land is a question of fact which can be gone into by the civil Court by considering the evidence on record.

Accordingly, this writ petition is dismissed at the admission stage. No costs.

14—06—2005.

Stv/-

To

1 The Panchayat Secretary, Bachupally Gram Panchayat,
Quthbullapur Mandal, R. R District
2 K. Kesava Kumar, S/o. K.V. Anjaneyulu,
R/o. U.S.A. Rep by its GPA Holder, K.V. Anjaneyulu,
S/o. K. Keshavulu, aged 68 years, R/o. H.No. 2-15/1, Bachupally Village,
Quthbullapur Mandal, R.R. District.